

Submitted April 11, 2015
Approved as of
Date April 11, 2015

**MINUTES OF THE ROCKVILLE BOARD OF APPEALS
MEETING NO. 02-2015
Saturday, February 14, 2015**

The City of Rockville Board of Appeals convened in regular session in the Mayor and Council Chambers at 9:00 a.m., Saturday February 14, 2015.

PRESENT

Peter Mork, Chair
W. Thomas Curtis
Jeryl O. Gegan
Steven Wilcox, Alternate

Staff Present: Cindy Walters, Sr. Assistant City Attorney
Bobby Ray, Principal Planner
Margaret Hall, Planner II

Mr. Gegan reminded the Board that at the previous meeting he expressed his intent to recuse himself from this item.

I. PUBLIC HEARING

Reconsideration of Variance VAR2014-00046, Robert J. Elliott, Jr, applicant, 215 Autumn Wind Way - a request that the Board of Appeals reconsider the decision to grant a modified variance that occurred at the November 8, 2014 meeting. The Board granted a 250 square foot variance instead of the 508 square feet requested for an accessory building in the PD-RH (HD), Planned Development - Rose Hill (Historic District) Zone.

Margaret Hall provided a summary of the variance request and answered questions from the Board.

Robert Elliott, owner of the property, summarized the need for the requested variance and the proposed garage footprint as well as historic preservation and tree conservation efforts.

He first stated the neighboring homes' detached garages are not in compliance with the current zoning ordinance for accessory structures. He also said that his property is constrained by a unique landscape and tree conservation easement that is subject to the City's Forestry review. Then Mr. Elliott explained why the variance is not contrary to public interest: a) he has written support for the proposed structures from the Rose Hill Homeowners Association, West End Citizens Association as well as approval from 14 of 16 adjacent neighbors in support of the proposed project (there has been no written letters against the plan from the two neighbors), b) the request is based on conditions peculiar to his property and not a result of any actions of the owner. (The property has a unique size, historic designation and conservation easements – all prior to his ownership, which limits alternatives to add a garage to the house, c) keeping the garage detached from the main house would not be in conflict with HDC Courtesy Review, and d) approval of the variance is not inconsistent

with variance the proposed structure is compatible with the house structure and mimic's adjacent property structures.

Mr. Elliott finally stated his variance application is not inconsistent with Section 25 of the City of Rockville Zoning Code and answered questions from the Board.

Mr. Wilcox moved, seconded by Mr. Curtis, to affirm the previous approval with the extension of the size variance to the requested additional 508 square feet subject to final approval with the Historic District Commission.

Margaret Hall offered the following language to bring clarity to the motion: "move to affirm the prior Findings, reaffirm the prior height variance and amend this approval to include the full 1008 square foot (28' x 36') building and add the Condition that it meets the HDCs approval process".

The motion passed 3-0.

II. COMMISSION ITEMS

- A. OLD BUSINESS - Request for Extension for Variance VAR2015-00048, Mei Yu, 5905 Ridgway Avenue** - Mr. Yu is asking that the Board of Appeals grant him an additional 3 months in order to redesign the proposed addition so that it more closely complies with the requirements of the Zoning Ordinance.

Margaret Hall provided a summary of the initial request for variance.

Calvin Yu, owner of the property, explained his need for the extension stating that he has to hire another contractor to complete the work of the previous contractor who left the job abruptly.

Mr. Curtis moved, seconded by Mr. Gegan, to grant the extension until the first meeting after April 30, 2015. The motion passed 3-0.

- B. NEW BUSINESS** – Mr. Mork stated he spoke with Mayor Newton and Councilmember Moore regarding communication to Mayor and Council on matters requiring their review.

Bobby Ray provided an overview of the upcoming meetings and stated that there are no agenda items for March, one variance in April and a rehearing in May.

- C. MINUTES** – *Mr. Curtis moved, seconded by Mr. Mork to approve the January 10, 2015 Minutes for Meeting 01-2015. The motion passed 2-0-1 (Mr. Gegan abstained).*

- D. ADJOURNMENT** - There being no further business to come before the Board, the meeting was adjourned at 10:20 a.m.

Respectfully Submitted

Sandra Y. Driver, Commission Secretary